

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LESLIE GREEN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No: 3:12cv882-JAG
)	
THE PRUDENTIAL)	
INSURANCE COMPANY OF)	
AMERICA, et al.)	

**PLAINTIFF'S MOTION TO STRIKE
THE DOCUMENTS FILED BY PRUDENTIAL AS THE
SO-CALLED ADMINISTRATIVE RECORD AND
MOTION TO UNSEAL**

On March 1, 2013, the Court entered a consent order sealing what Prudential has claimed to be the administrative record. (Doc. 22). For the reasons stated in this motion and memorandum, the Plaintiff moves to strike the so-called record and withdraws her previous consent to the motion to seal. First, the documents filed by Prudential are not an administrative record, but rather are an incomplete collection of documents it has hand-picked instead of producing the record. *Bernstein v. CapitalCare, Inc.*, 70 F.3d 783, 788-89 (4th Cir. 1995). Second, the documents produced by Prudential are not proper documents to be sealed because there is a less drastic measure that can ensure protection of the Plaintiff's sensitive information. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

For the reasons explained in the accompanying memorandum of law, the Plaintiff respectfully requests that the court enter and order:

- (1) finding that the documents filed by Prudential do not contain sufficient matter to be deemed the administrative record and striking such documents from the record; and
- (2) unsealing the documents, subject to redaction, upon a finding that such documents are not subject to the rules allowing for any document to be sealed where there are less drastic means available to protect sensitive information;
- (3) ordering Prudential to produce a complete record consistent with Plaintiff's request for documents and 29 C.F.R. 2560.503-1(m)(8).

LESLIE GREEN,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March, 2013, a true copy of the foregoing is being filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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